

Application No. 09/287,985
Amendment "C" dated December 22, 2003
Reply to Office Action mailed September 25, 2003

REMARKS

Initially, appreciation is expressed to the Examiner for taking the time to briefly discuss this case over the phone on December 5, 2003 with applicants' attorney. As discussed over the phone, this case was properly received and converted into a CPA,¹ even though this was not properly reflected in the latest Office Action.

In the latest Office Action, dated September 25, 2003, all of the pending claims 1-19, 22-25 and 27-29 were rejected, of which claims 1, 11, 19 and 27-29 are the independent claims at issue. Claims 1-2, 8-13, 15-19, 23-24 and 27-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Zigmond (U.S. Patent No. 6,400,407) and the remaining claims 3-7, 14, 22 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zigmond, in view of Douglass (U.S. Patent No. 6,021,426).

By this paper claims 1, 11, 19 and 27-29 have been amended and claims 3 and 22 have been cancelled, such that claims 1-2, 4-19, 23-25 and 27-29 now remain pending.

As reflected in Amendment B, the present application and the patent to Zigmond et al. were, at the time the invention claimed herein was made, owned by, or subject to an obligation of assignment to, either Microsoft Corporation or WebTV Networks, Inc., which is a wholly owned subsidiary of Microsoft Corporation. Accordingly, under the provisions of 35 U.S.C. § 103(c), the Zigmond et al. reference is disqualified as prior art under 35 U.S.C. § 103(a), thus removing the primary reference of record asserted in the 35 U.S.C. §103(a) obviousness rejections.

Accordingly, as discussed over the phone, the rejections made under 35 U.S.C. §103(a) in the last action to claims 3-7, 14, 22 and 25, all of which are based on Zigmond as a primary reference, should be withdrawn.

Applicants also respectfully submit that the rejections made to independent claims 1 and 27 under 35 U.S.C. §102(e) should be withdrawn for similar reasons. In particular, the Examiner has explicitly stated in the latest Office Action that "Zigmond does not disclose; The information resource is a web page;"² However, claims 1 and 27 make reference to the information resource as a web page. Accordingly, inasmuch as Zigmond fails to disclose that the information resource is a web page, as acknowledged by the Examiner, Zigmond cannot at the same time be found to anticipate claims 1 and 27, which refer to the information resource as a web page.

¹ The CPA was filed on June 16, 2003.

² Page 7 of the Office Action.

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As reflected above in the claim listing, amendments have been made to claims 1 and 27 to even more clearly recite that the information resource comprises a web page, and even further preventing Zigmond from anticipating these claims.

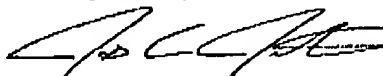
Amendments have also been made to the remaining independent claims 11, 19, 28 and 29 to clearly reflect that the information resource comprises a web page.

Accordingly, for at least the foregoing reasons, Zigmond does not anticipate any of the pending claims. Furthermore, inasmuch as Zigmond no longer qualifies as prior art under 35 U.S.C. §103(a), Zigmond also fails to make obvious the pending claims, either singly or in combination with Douglass or other art.³

Therefore, Applicants respectfully submit that all of the pending claims 1-2, 4-19, 23-25 and 27-29 are in condition for prompt allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 23 day of December 2003.

Respectfully submitted,



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³ Applicants also respectfully submit that Zigmond also fails to anticipate or obviate the claims, either singly or in combination with other art, for at least the other reasons that were articulated in Amendment B, and which are incorporated herein by reference.